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BEFORE THE
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:)
)
ILLINOIS BELL TELEPHONE)
COMPANY) No. 00-0393
) Status
Proposed implementation of)
High Frequency Portion of)
Loop (HFPL)/Line Sharing)
Service. (Tariffs filed)
April 21, 2000).)

Chicago, Illinois
March 22, 2004

Met pursuant to notice at 10:00 a.m.

BEFORE:

MS. EVE MORAN, Administrative Law Judge

1 APPEARANCES:

2 MS. CHERYL HAMILL
222 West Adams Street, Suite 1500
3 Chicago, Illinois 60606
 Appearing for AT&T Communications of
4 Illinois, Inc.;

5 MR. DARRELL TOWNSLEY
205 North Michigan Avenue, Suite 1100
6 Chicago, Illinois 60601
 Appearing for WorldCom, Inc., d/b/a MCI;

7 KELLEY, DRYE & WARREN, LLP, by
8 MR. HANK KELLY
333 West Wacker Drive, Suite 2600
9 Chicago, Illinois 60606
 Appearing for Covad Communications Company;

10 MS. NANCY J. HERTEL
11 225 West Randolph Street, Suite 25D
Chicago, Illinois 60606
12 Appearing for SBC Illinois;

13 MAYER, BROWN, ROWE & MAW, LLP, by
MR. TY COVEY
14 190 South LaSalle Street
Chicago, Illinois 60603
15 Appearing for SBC Illinois;

16 MATTHEW L. HARVEY and
SEAN R. BRADY
17 160 North LaSalle Street, Suite C-800
Chicago, Illinois 60601
18 Appearing for Staff.

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21 Julia C. White, CSR
22 License No. 084-004544

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I N D E X

Re- Re- By
Witnesses: Direct Cross direct cross Examiner
None.

E X H I B I T S

Number For Identification In Evidence
None.

1 JUDGE MORAN: Pursuant to the direction of the
2 Illinois Commerce Commission, I call Docket 00-0393.
3 This is Illinois Bell Telephone Company Proposed
4 Implementation of High Frequency Portion of Loop
5 (HFPL)/Line Sharing Service.

6 May I have the appearances for the
7 record, please.

8 MS. HAMILL: On behalf of AT&T Communications
9 of Illinois, Inc., Cheryl Hamill, 222 West Adams,
10 Suite 1500, Chicago, Illinois 60606.

11 MR. TOWNSLEY: Appearing on behalf of WorldCom,
12 Inc., doing business as MCI, Darrell Townsley,
13 205 North Michigan Avenue, Suite 1100, Chicago,
14 Illinois 60601.

15 MR. KELLY: Appearing on behalf of Covad
16 Communications Company, Hank Kelly, with Kelley, Drye
17 and Warren, 333 West Wacker, Chicago, Illinois 60606.

18 MS. HERTEL: Appearing on behalf of SBC
19 Illinois, Nancy Hertel, 225 West Randolph, 25D,
20 Chicago, Illinois 60606.

21 MR. COVEY: Also for SBC Illinois, Ty Covey, of
22 Mayer, Brown, Rowe and Maw, LLP, 190 South LaSalle

1 Street, Chicago, Illinois 60603.

2 MR. HARVEY: Appearing for the Staff of the
3 Illinois Commerce, Matthew L. Harvey and Sean R.
4 Brady, 160 North LaSalle Street, Suite C-800,
5 Chicago, Illinois 60601-3104.

6 JUDGE MORAN: Okay. I will note that this
7 docket is here on remand, and we're running late
8 because we didn't have a court reporter early this
9 morning.

10 So the parties were able to discuss
11 among themselves and with me a certain number of
12 points that I wanted clarified and suggested to the
13 parties for clarification.

14 The first of these is the U.S. Court
15 of Appeals for the District of Columbia's recent
16 opinion addressing its review of the TRO order.

17 And the second point is parties have
18 already completed the filing of their briefs or
19 comments in this case, and the ALJ is uncertain as to
20 the actual relief requested; and if any particular
21 party's relief is granted, what further action would
22 be necessary to close out this case?

1 The parties have agreed to address
2 these two points in a supplemental briefing phase.
3 The page limit on these -- on this next briefing
4 stage will be seven pages for initial comments and
5 seven pages for reply comments.

6 Have I correctly stated the agreement
7 of the parties?

8 MR. HARVEY: That's our understanding, your
9 Honor.

10 MS. HAMILL: Yes, your Honor.

11 MS. HERTEL: Yes, your Honor.

12 MR. TOWNSLEY: Yes, your Honor. Although I
13 would add one thing.

14 There has been some -- there was some
15 talk off the record about a May 12, 2004 deadline;
16 and I am not sure, sitting here today, what the basis
17 of that May 12th deadline is.

18 Given the fact that the TRO -- the
19 United States Court of Appeals opinion on the TRO
20 decision was decided March 2, 2004, and that the
21 Court has stated some decision on the issuance of the
22 mandated opinion for 60 days, which would put us at

1 May 2nd. It seems to me that while we may do this
2 additional briefing, we may have to do further
3 briefing come May 2nd.

4 So one of the issues that I think
5 needs to be addressed that you had not mentioned was
6 this May 12th date and what the basis for that is and
7 whether that is a date we need to hold to here.

8 JUDGE MORAN: Okay. Well --

9 MR. HARVEY: Staff is prepared to undertake to
10 find out what, if any -- why that May 12th date
11 existed if, in fact, it does; and we'll file any
12 order that we can find as a matter of record.

13 And I will also, should I -- my -- or,
14 rather, our investigations yield further fruit, we
15 will send out what I can -- I think we can all agree
16 it will be a purely procedural e-mail on the issue of
17 this scheduling matter.

18 MS. HAMILL: Thank you.

19 MR. TOWNSLEY: Thank you.

20 JUDGE MORAN: I'm sorry to have laid that date
21 out without a source. I do know that I came across
22 it somewhere, somehow and put it out on top as a

1 reminder to myself.

2 So with that, the only thing that
3 is -- that remains is the time for these --

4 MR. HARVEY: Your Honor, we --

5 JUDGE MORAN: -- supplemental briefs or
6 comments.

7 MR. HARVEY: We discussed the matter among
8 ourselves when you were out seeking further
9 information on the May 12th issue, and we had
10 thought, subject to your approval, that April 2nd and
11 April 9th --

12 MR. TOWNSLEY: Actually, if we can just go off
13 the record for a minute.

14 JUDGE MORAN: Sure.

15 (Whereupon, a discussion was had
16 off the record.)

17 JUDGE MORAN: Have the parties now agreed?

18 MR. HARVEY: We appear to have done so, your
19 Honor.

20 JUDGE MORAN: Okay. And what were those dates?

21 MR. HARVEY: The 7th of April for supplemental
22 briefs, and the 14th of April for replies to

1 supplemental briefs --

2 JUDGE MORAN: Okay.

3 MR. HARVEY: -- or comments -- or however you

4 propose that we style them.

5 JUDGE MORAN: It makes no difference to me.

6 I'm sure that the substance would be the same however

7 we title it.

8 So it is now the ruling of the ALJ

9 that April 7, 2004, would be the parties supplemental

10 brief; and April 14, 2004, would be the date for

11 replies on the parties supplemental briefs.

12 And maybe -- let's pick a date for

13 this case. Do we want to pick a date?

14 Let's go off the record.

15 (Whereupon, a discussion was had

16 off the record.)

17 JUDGE MORAN: There are no other issues or

18 points that parties want to make?

19 Okay. Great. This matter is now

20 continued until May 5, 2004, at 10:00 a.m.

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1 (Whereupon, the above-entitled
2 matter was continued to
3 May 5, 2004, at 10:00 a.m.)
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